

IN THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA,  
Plaintiff,  
v.  
COMMONWEALTH OF PUERTO RICO and  
the  
PUERTO RICO POLICE DEPARTMENT,  
Defendants

**CIVIL No. 3:12-cv-2039 (GAG)**

**AMICUS CURIAE MEMORANDUM**

**MAY IT PLEASE THE COURT:**

NOW COMES, Sistema Universitario Ana G. Méndez, through the undersigned counsel,  
and very respectfully states and prays:

**INTRODUCTION**

Sistema Universitario Ana G. Méndez (“SUAGM”), very respectfully requests that the Honorable Court accepts and consider the following *Amicus Curiae* memorandum, filed in an effort to assist and inform the Honorable Court as to the concerns raised by it in Docket Nos. 677 and 989 about the future of the Puerto Rico Police Department.

It is hereby respectfully informed to the Honorable Court that SUAGM is ready to establish and initiate an Academy Class by February 1, 2019. Under SUAGM’s designed academic program for an associate degree in public safety, which addresses and is in compliance with the *Agreement for the Sustainable Reform of the Puerto Rico Police Department* (the “Agreement”) and it is eligible for Title IV funds, can be established by the aforementioned date at no cost to the Government of Puerto Rico.

In accordance with this, SUAGM has submitted a proposal to commence a Police Academy in February 2019. SUAGM's academic program, licensed and accredited, has been up and running for the past 6 years. SUAGM is ready and available to start the first Police Academy in February 2019, and is capable of starting an additional four (4) academies through 2019.

SUAGM advises the Court that it files the present *Amicus Curiae* memorandum in order to assist the Honorable Court because its expressed concerns **are a matter of great public interest and concern** to the entire Island. Indeed, few governmental and social issues attract the attention of our society more than public safety and the way and manner public safety officials interact with citizens. SUAGM believes that its contribution to the issue regarding training of police officers and the Police Academy in general will help the Honorable Court better appreciate the contours of what SUAGM envisions as the future of police officers training, as well as the specific technical and pedagogical considerations that have been proposed to the Commonwealth of Puerto Rico.

With this memorandum, SUAGM intends to assist the Honorable Court in its assessment of how the proposal made by SUAGM complies with the Agreement. By providing its input, SUAGM believes the Honorable Court will be better positioned to analyze any and all provisions of the Proposal and any and all input provided by the parties of the case on this regard.

### **PROCEDURAL TRACK**

1. The instant claim was filed on December 21, 2012. See, Docket No. 1.
2. On November 17, 2018, the Honorable Court ordered Defendants to inform the court on plans for the Police Academy. See, Docket No. 644; Docket No. 655, Paragraph 2.
3. On December 1, 2017, the Commonwealth of Puerto Rico and the Puerto Rico Police Bureau, in compliance with the above referenced order, informed the Honorable Court that “there are no plans to make any changes in the Police Academy in the foreseeable future. If and

when the Commonwealth initiates plans to make changes in the Police Academy, the USDOJ and TCA will be informed on the matter”. See, Docket No. 655, Paragraph 3.

4. After Defendants’ motion contained in docket no 655, the Honorable Court, through a *Sealed Minute of Proceedings and Order* (Docket No. 677), expressed that

“The undersigned expressed concern about the future of the Academy. It is evident that the Commonwealth is considering a public-private partnership with Sistema Ana G. Méndez. The undersigned understands that any decision to move forth in said direction is a matter of public policy and thus, lies exclusively within the Commonwealth’s purview. However, the PR DOJ, US DOJ, TCA and the Court must be informed with sufficient advance time, not after-the-fact, so that any such change does not violate the Agreement. In fact, US DOJ and TCA being made fully aware of such matter and being provided all relevant information is a mandate of the Court-adopted Agreement”.

See, Docket No. 677, Pages 2-3.

### **DISCUSSION**

Given the Honorable Court’s expressed concern on the future of the Police Academy, clearly a matter of public interest, and its request that any change in the Police Academy be informed with sufficient advance time, SUAGM believes it can aid the court in understanding the nature, extent and possibilities of a Police Academy under SUAGM’s administration.

As the Honorable Court will readily see, SUAGM, through its Institute for Public Safety, has the expertise, resources, facilities, personnel and accreditation required to design, execute and implement the vast majority of the mandated changes under the *Agreement for the Sustainable Reform of the Puerto Rico Police Department* (the “Agreement”) that pertain to training and the Police Academy. Likewise, and because of its expertise, SUAGM can assist the Honorable Court in assessing the compliance of any proposed changes within the parameters of the Agreement. To

that end, we will discuss SUAGM's ISEP track and expertise, the applicable provisions of the Agreement, and how SUAGM's Proposal fits into the contours of the Agreement.

## **I. SUAGM and the Institute of Public Safety (ISEP, for its Spanish acronym)**

ISEP is an academic school of the Ana G. Méndez University System, offering academic programs at Universidad del Turabo, Universidad del Este and Universidad Metropolitana. Its mission is to expand the educational opportunities in safety and protection for the personnel of municipal, state and federal agencies, as well as for the citizens of the communities it serves. ISEP contributes to Puerto Rico's social and economic development by promoting the professional capacitation of safety and protection personnel under the highest standards of quality.

### **A. ISEP's Expertise and Capacity to prepare and professionalize Police Officers**

Through Universidad del Turabo, Universidad Metropolitana and Universidad del Este, ISEP has been offering an Associate Degree in Public Safety since 2012, a Bachelor's Degree in Penal Justice since 2014, and an Associate Degree in Emergency Management since 2017. More than 1,000 students have completed the Associate Degree in Public Safety since the program's inception, while the first class with a Bachelor's Degree graduated in June 2017. At present, more than 1,000 students are enrolled in the Associate and Bachelor's Degree programs.

ISEP's unique academic offer fills a gap in the formation of public safety officers, because it includes specialized tactical training with equipment and resources that are new to Puerto Rico. Specifically, students enrolled in the Associate and Bachelor's degree at ISEP take High Liability Courses<sup>1</sup> (hereinafter "HLC") specifically designed for police officers. ISEP's faculty members completed the Basic Recruit Training Program for Police Officers, designed by the Standards and

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<sup>1</sup> High Liability Courses are courses where the students learn skills that require the use of techniques, equipment and materials that are used by Law Enforcement Personnel and that place them at risk of injury or even death. These courses include: Police Patrolling, Use of Firearms, Vehicle Operations, Tactical Operations, Vehicle Interventions, Defensive tactics, and Use of Less Lethal Weapons.

Training Commission of the Florida Department of Law Enforcement (FDLE) and enhanced it by adding a university level curriculum of general education and criminal justice competencies. ISEP's Associates Degree in Public Safety includes the HLC required by FDLE for all its new recruits. Moreover, students acquire communication, cultural and critical thinking competencies required of any university graduate, in addition to the criminal justice administration skills and competencies expected of any graduate from a Criminal Justice program.

ISEP's program is capable of successfully including all of these academic components and developing these variety of competencies in the students because SUAGM has been developing and implementing academic programs for seventy (70) years and ISEP has offered Criminal Justice Programs for over thirty (30+) years. The area of development for the Public Safety Programs was the HLC from the Basic Recruit Training Program of the FDLE. In order to implement HLC, ISEP began by establishing a partnership with the School of Public Safety at Valencia College in Orlando. Through this partnership, ISEP was able to develop both the curriculum and the faculty. For the curricular development, ISEP adapted the Basic Recruit Training Program Courses of the FDLE, aligning it with the legislation and conditions of Puerto Rico. ISEP then trained, certified and supported the faculty that teaches the HLC. All trainings and certifications were conducted by the School of Public Safety at Valencia College, according to the standards of the FDLE. Therefore, ISEP's program has been supported from day one by the expertise and experience of the School of Public Safety at Valencia College.

Since 2012, with the support and technical assistance of the School of Public Safety at Valencia College, ISEP has offered an average of 300 HLC per year. Specifically, ISEP's students have completed training, certification and academic degrees that include:

- Police patrolling: fundamentals of the duties, policies and procedures of the police officers. In addition, students begin their education on reasonable use of force as well as on arrest and use of mechanical restrictions.
- Defensive tactics: students learn how to physically respond to various types of attacks as well as how to control a non-compliant individual in order to complete an arrest.
- Vehicle operations: students learn how to operate a law enforcement vehicle in a safe and efficient manner. Students learn vehicle dynamics and practice the skills of precision driving using the vehicles designed for and used by the police (police interceptors).
- Vehicle interventions: students learn how to safely conduct vehicle stops and searches. The course includes the discussion of the laws and regulations related to the stops as well as the safety procedures to secure the life of the officer and the individuals involved.
- Use of less lethal weapons: as part of the response alternatives that law enforcement officers have ISEP teaches the use of less lethal weapons including the energy conducting gun (Taser), the baton and chemical agents (known as pepper spray). Students also review the reasonability of the use of force, review applicable laws and regulations and practice the skills to safely use the less lethal weapons.
- Use of fire arms: students learn about the Firearms Law and regulations in Puerto Rico. Students also learn how to operate a hand gun, a rifle and a shotgun. The course also covers topics of reasonability on the use of force as well as safety practices in the handling of firearms.
- Principles of tactical operations: in this course students integrate the skills learned in the other HLC and practice how to respond to various types of common situations like disorderly conduct, domestic violence, robbery, etc. Students are required to identify the type of situations, assess the level of danger presented by the situation or the individuals involved, and take the

appropriate course of action. The students response is evaluated based on their assessment of the situation, weather they requested support or not, and the appropriateness of the response based on the entire set of circumstances.

In order to offer these courses, ISEP has prepared itself with the locations, equipment, materials and personnel needed. This include the use of firearm ranges across Puerto Rico, driving tracks (like the Salinas Speedway), gymnasiums, firearms, law enforcement vehicles (police interceptors from FORD), less lethal weapons, as well as dummy equipment used for the students to become familiar with the dimensions, weigh and dynamics of carrying such equipment on their bodies. ISEP's tactical faculty is formed by professionals with university degrees that are certified in the topics and equipment they teach. Such certifications are renovated as required by policies or by the manufacturer's recommendation. ISEP's certification and recertification of faculty is still completed through our partnership with the School of Public Safety at Valencia College.

ISEP's non-tactical faculty is formed by professionals in various fields with the highest degrees in their disciplines, and with ample experience in their fields. Current and former prosecutors teach part-time in ISEP's program as well the former judges, police officers and other government officials and personnel. In addition to recruiting highly qualified professors, ISEP also promotes their professional development by providing them with workshops and technical assistance in topics related to teaching, assessment and evaluation.

Through the 300 HLC taught each year, and the over 1,000 graduates from our programs, ISEP has demonstrated its academic and logistical capacity to prepare and professionalize the police officers in Puerto Rico. Therefore, ISEP is in an excellent position to fulfill the needs of the Bureau of Police as established in the Consent Decree for the Sustainable Reform of the Puerto

Rico Police, as well as to aid the Honorable Court in addressing issues of compliance with the Agreement.

## II. The Agreement

In order to aid the Honorable Court on the provisions of the Agreement that more specifically affect the Police Academy in general and the Proposal made by SUAGM, let us review them:

In its pertinent parts, the *Agreement for the Sustainable Reform of the Puerto Rico Police Department* states that:

...the Parties have worked together and identified measures to enhance each of the following areas: (1) Professionalization; (2) Use of Force; (3) Searches and Seizures; (4) Equal Protection and Non-Discrimination; (5) Recruitment, Selection, and Hiring; (6) Policies and Procedures; (7) **Training**; (8) Supervision and Management; (9) Civilian Complaints, Internal Investigations, and Discipline; (10) Community Engagement and Public Information; and (11) information Systems and Technology. To carry out these reforms, PRPD will develop Actions Plans in each of these substantive areas. These Action Plans will set forth in detail the steps agreed upon to execute and implement the reforms and achieve the desired outcomes in each area. These reforms will require the implementation of policies, practices, training, documentation, internal review, continuous improvement, and oversight.

See, *Agreement for the Sustainable Reform of the Puerto Rico Police Department*, Section I Paragraph 3. (Emphasis ours).

Paragraph 21, contained in Section III(C) (Professionalization; Commander Corps) of the Agreement states:

21. PRPD shall provide a developmental career path for officers aspiring to the command ranks that emphasizes leadership, ethics, community-oriented policing, **educational achievement**, and constitutional policing.

See, *Agreement for the Sustainable Reform of the Puerto Rico Police Department*, Section III, Paragraph 21.



Paragraphs 53, 54 and 55 contained in Section III(H) (Professionalization; Use of Force Training) of the Agreement state:

**53. PRPD shall train all PRPD officers on PRPD's use of force policies. Thereafter, PRPD shall provide all PRPD officers with use of force training at least every two years for the first four years of this Agreement, and annually thereafter.** PRPD shall

also provide training on use of force as necessary, based on developments in applicable law and PRPD policy. At least annually, PRPD shall assess all use of force policies and training. PRPD's use of force training program shall include the following topics:

- a) legal standards for reasonable force;
- b) PRPD's use of force policy;
- c) reporting use of force, requesting medical service, and preserving evidence;
- d) scenario-based training and interactive exercises that illustrate proper use of force decision-making;
- e) the proper deployment and use of all weapons or technologies, including firearms, batons, chemical agents, and ECWs;
- f) threat assessment and de-escalation techniques that encourage officers to make arrests without using force, and instruction that disengagement, area containment, surveillance, waiting out a subject, summoning reinforcements, calling in specialized units, or delaying arrest may be the appropriate response to a situation, even when the use of force would be legally justified;
- g) crisis intervention and interacting with people with mental illnesses, including instruction by mental health practitioners and an emphasis on de-escalation strategies;
- h) factors to consider in initiating or continuing a foot pursuit; and
- i) appropriate training on conflict management.

**54. PRPD shall provide an appropriate firearm training program** that:

- a) requires officers to complete and satisfactorily pass firearm training and qualify on each firearm the officer is required or authorized to carry on an annual basis;
- b) requires cadets, officers in probationary periods, and officers who return from unarmed status or extended leave to complete and satisfactorily pass firearm training and qualify on each firearm the officer is required or authorized to carry before such personnel are permitted to carry and use firearms;
- c) **incorporates night training, stress training (i.e., training in using a firearm after undergoing physical exertion), and proper use of force decision making training, including continuous**

**threat assessment techniques, in the annual in-service training program;**

d) ensures that firearm instructors critically observe students and provide corrective instruction regarding deficient firearm techniques and failure to utilize safe gun handling procedures at all times; and

e) requires comprehensive testing that shows complete understanding of rules, regulations, and skills regarding firearm use.

**55. PRPD shall train all supervisors, FIU members, and command officers on PRPD's use of force policies. Thereafter, PRPD shall provide all supervisors, FIU members, and command officers with training on use of force, force investigations, and force investigation reviews at least annually and, as necessary, based on developments in applicable law and PRPD policy.** PRPD's use of force training for supervisors, FIU members, and command officers shall include the following topics:

a) requesting medical services and determining the appropriate use of force reporting levels;

b) identifying and interviewing involved officers, witness personnel, subjects upon whom force was used, and civilian witnesses;

c) ensuring proper collection of evidence;

d) reviewing use of force and supplemental reports for completeness, accuracy, and quality, including recognizing boilerplate language and document discrepancies;

e) assessing the legality and appropriateness of a detention and subsequent arrest;

f) legal standards governing the use of reasonable force, including legal standards and requirements for criminal accountability, administrative accountability, and performance improvement related to tactics, training, equipment, and policy sufficiency;

g) recommending and administering proper discipline and non-punitive corrective action related to use of force; and

h) report writing.

*See, Agreement for the Sustainable Reform of the Puerto Rico Police Department, Section III, Paragraphs 53, 54, 55. (Emphasis ours).*

Paragraph 56 contained in Section III(I) (Professionalization; Responding to Behavioral/Mental Health Crisis) of the Agreement state:

56. PRPD shall develop policies and procedures to improve its response to individuals in behavioral or mental health crisis, and to minimize the use of unnecessary force against such individuals. To achieve this outcome, **PRPD shall, in addition to providing all officers with basic training on responding to persons in**

**behavioral or mental health crisis, implement and train a comprehensive first responder Crisis Intervention Team (“CIT”) to develop and maintain specially-trained CIT officers.**

*See, Agreement for the Sustainable Reform of the Puerto Rico Police Department*, Section III, Paragraph 56. (Emphasis ours).

Paragraphs 78 and 79 contained in Section III (Professionalization; Training on Stops, Searches and Seizures) of the Agreement state:

**78. PRPD shall train all PRPD officers on PRPD’s stop, search, and seizure policies. Thereafter, PRPD shall provide all PRPD officers with training at least every two years for the first four years of this Agreement, and annually thereafter. PRPD shall also provide training on stops, searches, and seizures as necessary, based on developments in applicable law and PRPD policy.** PRPD shall coordinate and review all policies and training on stops, searches, and seizures to ensure quality, consistency, and compliance with the Constitution and laws of the United States and the Commonwealth of Puerto Rico, this Agreement, and PRPD policy. PRPD shall conduct regular subsequent reviews of this training at least annually, and report its findings. PRPD’s training program shall include the following topics:

- a) PRPD policies and requirements in this Agreement regarding stops, searches, and seizures;
- b) the Fourth Amendment and related law;
- c) examples of scenarios faced by PRPD officers and interactive exercises that illustrate proper police practices, methods, and tactics in conducting consensual field interviews, investigatory stops, consent and non-consent searches, and arrests. These training scenarios shall address the difference between various police contacts by the scope and level of police intrusion; between probable cause, reasonable suspicion and mere speculation; and voluntary consent from mere acquiescence to police authority; and
- d) comprehensive testing that shows complete understanding of rules and regulations.

**79. PRPD shall train all supervisors and command officers on PRPD’s stop, search, and seizure policies. Thereafter, PRPD shall provide all supervisors and command officers with training on reviewing subordinates’ stops, searches, and seizures at least annually and, as necessary, based on developments in applicable law and PRPD policy.** PRPD shall

coordinate and review all policies and training on stops, searches, and seizures to ensure quality, consistency, and compliance with the Constitution and laws of the United States and the Commonwealth of Puerto Rico, this Agreement, and PRPD policy. **PRPD shall conduct regular subsequent reviews of this training at least annually, and report its findings.** PRPD's training on stops, searches, and seizures for supervisors and command officers shall include the following topics:

- a) requesting medical services and questioning detainees and arrestees for pain or injury;
- b) report writing, including reviewing reports on stops, searches, and seizures for completeness, accuracy, and quality, including recognizing boilerplate language and how to document discrepancies;
- c) assessing the legality and appropriateness of a stop, search, or seizure;
- d) legal standards governing searches and seizures, including legal standards and requirements for criminal accountability, administrative accountability, and performance improvement related to tactics, training, equipment, and policy sufficiency; and e)
- e) recommending and administering proper discipline and non-punitive corrective action related to searches and seizures.

*See, Agreement for the Sustainable Reform of the Puerto Rico Police Department, Section III, Paragraphs 78 and 79. (Emphasis ours).*

Paragraph 90 contained in Section VI(B) (Equal Protection and Non-Discrimination; Discriminatory Policing) of the Agreement states:

90. **PRPD shall provide all PRPD officers with training on biased-free policing at least every two years for the first four years of this Agreement, and annually thereafter.** PRPD shall also provide training on biased-free policing as necessary, based on developments in applicable law and PRPD policy. PRPD's training program shall include the following topics:
- a) PRPD policies and requirements in this Agreement regarding biased-free policing;
  - b) community perspectives of discriminatory policing;
  - c) constitutional and other legal requirements related to equal protection and unlawful discrimination;
  - d) the protection of civil rights as a central part of the police mission;
  - e) arbitrary classifications and stereotyping based on age, race, color, ethnicity, national origin, religion, gender, disability, sexual orientation, gender identity, gender expression and political ideology or affiliation;

- f) interacting with diverse populations, including persons who are homeless and economically disadvantaged;
- g) identification of key decision points where prohibited discrimination can take effect at both the incident and operational planning levels;
- h) methods, strategies, and techniques to reduce misunderstanding, conflict, and complaints due to perceived bias or discrimination, including community-oriented policing strategies; and
- i) comprehensive testing that shows complete understanding of rules and regulations.

See, Agreement for the Sustainable Reform of the Puerto Rico Police Department, Section VI, Paragraph 90. (Emphasis ours).

Paragraphs 105 and 108 contained in Section VII(B) (Recruitment, Selection and Hiring; Hiring Reforms) of the Agreement state:

105. PRPD shall establish and publish qualifications for sworn personnel that are consistent with generally accepted policing practice. **PRPD shall continue to require a two-year post-secondary degree, or its equivalent, as part of the requirements for sworn personnel.**

[ . . . ]

108. PRPD and the UCCJ shall revise and implement policies and practices related to hiring to ensure that PRPD recruits and cadets do not qualify for civil service employment protections until their aptitude and abilities are properly assessed.

See, Agreement for the Sustainable Reform of the Puerto Rico Police Department, Section VII, Paragraphs 105 and 108. (Emphasis ours).

Paragraph 111 contained in Section VIII (Policies and Procedures) of the Agreement states:

111. PRPD's unit-wide policies and procedures shall be collected in unit-level policy and procedure manuals. PRPD shall develop unit-level policy and procedure manuals for, at a minimum, the following PRPD units or functions:

- e) Recruitment and Training, including training provided by UCCJ and in service training.

See, Agreement for the Sustainable Reform of the Puerto Rico Police Department, Section VIII, Paragraph 111.

Paragraph 117 contained in Section IX (Training) of the Agreement states:

**117. PRPD shall ensure that every PRPD officer and employee receives effective and comprehensive training that ensures they understand their responsibilities, the scope of their authority, and PRPD policy, and are able to fulfill these responsibilities and police effectively. Qualified trainers and instructors shall deliver instruction through generally accepted methods and techniques that are approved by UCCJ and are designed to achieve clear and articulated learning objectives. Trainers and instructors shall utilize generally accepted evaluation methods approved by UCCJ to assess proficiency and competency.**

*See, Agreement for the Sustainable Reform of the Puerto Rico Police Department, Section IX, Paragraph 117. (Emphasis ours).*

Paragraphs 118 through 122 contained in Section IX(A) (Training; Pre-service Education and Training) of the Agreement state:

**118. UCCJ shall provide pre-service education and training to candidates for sworn personnel positions in PRPD in accordance with its enabling statute and regulations. To the extent that UCCJ will confer Associate or equivalent degrees recognized by nationally or regionally accredited institutions of higher learning in the continental United States, UCCJ shall maintain its license in good standing from the Puerto Rico Council on Education and attain full accreditation from the Middle States Association of Colleges and Schools within two years of the decision to confer such degrees.**

**119. Once candidates meet all educational requirements and eligibility criteria, UCCJ shall establish and provide a pre-service training program for PRPD cadets consisting of at least 900 hours of instruction that comports with generally accepted policing practice with respect to quality and content, and that reflects the requirements of this Agreement.**

120. PRPD and UCCJ shall review and revise its pre-service training curriculum to ensure quality, consistency, and compliance with applicable law, PRPD policy, and this Agreement. PRPD and UCCJ shall conduct regular subsequent reviews, at least semi-annually, and submit their findings and recommendations in written reports to the Superintendent.

121. PRPD and UCCJ shall develop an appropriate training plan and standards including, but not limited to, establishing appropriate passing criteria, attendance, and participation requirements, and valid evaluation methods, to ensure that cadets and officers attain necessary knowledge, skills, and competencies to implement all requirements in this Agreement.

PRPD and UCCJ shall conduct regular needs assessments to ensure that training related to the implementation of this Agreement is responsive to the knowledge, skills, and abilities of the cadets and officers being trained.

122. PRPD and UCCJ shall select and train qualified officer and academic instructors and shall ensure that only mandated objectives and approved lesson plans are taught by instructors. Instructors shall engage students in meaningful dialogue, role playing, and test taking, as appropriate, regarding particular scenarios, preferably taken from actual incidents involving PRPD officers, with the goal of educating students regarding the legal and tactical issues raised by the scenarios.

*See, Agreement for the Sustainable Reform of the Puerto Rico Police Department, Section IX(A), Paragraphs 118 through 122. (Emphasis ours).*

Paragraphs 123 through 128 contained in Section IX(B) (Training; Field Training Program)

of the Agreement state:

**123. PRPD shall develop a field training program that consists of at least 800 hours and that comports with generally accepted policing practice with respect to quality and content, and that reflects the substantive requirements of this Agreement.**

124. PRPD's policies and procedures on field training shall delineate the criteria and methodology for selecting Field Training Officers ("FTOs"). PRPD shall permit only qualified officers to serve as FTOs. To determine qualifications, PRPD shall consider officer experience, disciplinary history, and demonstrated leadership skills, among other factors. PRPD shall strive to assemble FTOs that represent a broad cross-section of the community.

**125. PRPD shall ensure that all FTOs receive training in the following areas: management and supervision; community-oriented policing; effective problem solving techniques; and field communication, among others. FTOs shall be required to maintain, and**



**demonstrate on a regular basis, their proficiency in managing recruits and subordinates, practicing community-oriented policing, and solving problems effectively.**

126. PRPD shall ensure that recruits in the field training program are trained in a variety of geographic areas within Puerto Rico; in a variety of shifts; and with several FTOs.

127. PRPD shall develop a program to assess FTO performance using appropriate evaluation tools. PRPD shall review and evaluate the performance of FTOs, with re-certification dependent on strong prior performance and feedback from other staff. Any recommendation from a FTO to terminate a trainee during their field training program shall be reviewed and evaluated by the chain of command.

128. PRPD shall create a mechanism for recruits to provide confidential feedback regarding the quality of their field training and their FTO, including the extent to which their field training was consistent with what they learned, and suggestions for changes to training based upon their experience in the FTO program.

*See, Agreement for the Sustainable Reform of the Puerto Rico Police Department, Section IX(B), Paragraphs 123 through 128. (Emphasis ours).*

Paragraphs 129 through 132 contained in Section IX(C) (Training; In Service Training) of the Agreement state:

129. PRPD shall establish a mandatory annual in-service training program that consists of at least 40 hours and that comports with generally accepted policing practice with respect to quality and content, and that reflects the requirements of this Agreement.

130. PRPD shall create in-service training tracks for the following groups, including, but not limited to, command staff; lieutenants and sergeants; detectives; narcotics and vice investigators; specialized units; and professional responsibility investigators.

**131. PRPD shall identify critical in-service training topic areas based on an analysis of factors that include but are not limited to officer safety issues, community concerns, use-of-force statistics, internal affairs statistics, court decisions, research reflecting the latest law enforcement trends, individual precinct needs, and input from members at all levels of the Department, the Superintendent's Citizens' Interaction Committee ("CIC") and members of the community.**



**132. PRPD shall develop a comprehensive training program to supplement the 40-hour formal in-service training that is delivered at the beginning of shifts or tours of duty for all officers. Training may include special topics selected by UCCJ and precinct or unit Commanders that address constitutional policing, officer safety, readiness, community concerns, or departmental procedural matters.**

*See, Agreement for the Sustainable Reform of the Puerto Rico Police Department, Section IX(C), Paragraphs 129 through 132. (Emphasis ours).*

Paragraphs 133 and 134 contained in Section IX(D) (Training; Training Records) of the Agreement state:

133. PRPD shall electronically maintain complete and accurate records of current curricula, lesson plans, and other training materials in a central, commonly-accessible, and organized file system.

134. PRPD shall track, maintain, and report detailed, real-time training records and statistics. PRPD shall develop an electronic database to create and maintain records for each recruit and each sworn and unsworn member of the PRPD, including a standard electronic training record and electronic copies of certificates and other materials. The training records shall include the following information: the course description and duration, curriculum, location of training, and name of instructor. PRPD will provide the Superintendent with annual reports, or more often as needed, on training attendance and testing results.

*See, Agreement for the Sustainable Reform of the Puerto Rico Police Department, Section IX(D), Paragraphs 133 and 134.*

Paragraphs 141 through 144 contained in Section X(B) (Supervision and Management; Supervisor Training) of the Agreement state:

**141. Each supervisor shall receive mandatory management, supervisory, leadership, and command accountability training, tailored to each level of supervision and command, of no fewer than 40 hours in duration, prior to assuming supervisory responsibilities. Each supervisor shall receive no fewer than 40 hours of in-service training annually thereafter.**

**142. All current PRPD supervisors shall receive the supervisor training developed pursuant to this Agreement within 18 months after it is developed and first implemented.**

143. The supervisory training program shall include, but not be limited to, instruction in the following topics:

- a) techniques for effectively guiding and directing officers and promoting effective and ethical police practices;
- b) de-escalating conflict;
- c) evaluation of written reports;
- d) investigating officer uses of force;
- e) responding to and investigating allegations of officer misconduct;
- f) risk assessment and risk management;
- g) evaluating officer performance;
- h) appropriate disciplinary sanctions and non-punitive corrective action; and
- i) using EIS to facilitate close and effective supervision.

**144. Officers appointed to the rank of Lieutenant Colonel, Colonel, commanding officer to a PRPD superintendency or unit, and any other supervisors must receive Equal Employment Opportunity (“EEO”) training on PRPD’s policies and federal and Commonwealth anti-discrimination laws. This training shall include protocols for supervisors to follow in the event they are made aware of complaints involving discrimination and/or harassment. The training shall also include instruction on PRPD policies prohibiting retaliation against any individual opposing the alleged discrimination or harassment and/or participating in a proceeding or investigation of discrimination or harassment.** Supervisors receiving the EEO training shall be evaluated in part based on their knowledge and implementation of the policies, guidance, and laws covered in that training.

*See, Agreement for the Sustainable Reform of the Puerto Rico Police Department, Section X(B), Paragraphs 141 and 144. (Emphasis ours).*

These are the main provisions of the Agreement that interact with the Proposal submitted by SUAGM, although not all. Let us discuss now SUAGM’s Proposal under the scope of the above identified Paragraphs of the Agreement.

### **III. SUAGM’s Proposal**

SUAGM's Proposal was informally submitted to the Government of Puerto Rico on October 30, 2018. See, *Proposal* attached herewith as **Exhibit 1**.

The Proposal outlines a Pilot Project to assist the Government of Puerto Rico to comply with the Agreement and with Court Order (Docket No. 973). The Agreement contains nearly **300 mandated actionable items**. The development of a strategy that includes education, training, and policy or procedure development by SUAGM and the Instituto de Seguridad y Protección (ISEP) can successfully assist with the implementation of nearly **200 of the actionable items**. The Proposal discusses the following:

- Contents of a strategy: Mission, Vision, Values, Mandates, Strengths, and Strategic Issues in three areas (Administration, Organization, and Community)
- A strategic approach by SUAGM: Agreement substantive areas, substantive area reporting structure, and key deliverables

#### **A. Training and Education**

The agreement mandates basic recruit training, continuing education, also known as advanced/specialized training, and mandatory re-training (in-service training) for veteran officers. Due to SUAGM's accreditation with the Middle States Association of Colleges and Schools and the training agreement established with Criminal Justice Institute at Valencia College to certify tactical instructors, all mandated training and education in the agreement can be conducted at ISEP (see items 117 and 118 in the agreement).

Once all of the training and education requirements of the agreement are delivered to officers at the PRPD in compliance with the agreement, and training and education standards are established, enhanced mandatory re-training (or in-service training) within the PRPD and municipal police departments can be established to promote and ensure everlasting professional police services in Puerto Rico.

#### **Table 1: List of the Agreement Substantive Items**

Following is a list of the substantive Agreement items to include model policy references

**Asterisk:**

The asterisk \* (third column from left) identifies the agreement item as Administrative, Organizational, or Community. These areas are components of the “Public Affairs Triumvirate,” are the foundation of public affairs, and are used in a multi-disciplinary approach when solving significant public issues:

Administrative – **validation processes, oversight** of the organization

Organizational – **activities, policies, and procedures: affect the culture, efficiency and effectiveness** of the organization

Community – **stakeholder (citizen) engagement** with the organization

It is important to identify each component when presenting social architecture. These public affairs forces work collaboratively and will contribute to a positive system-wide organizational and cultural change in the delivery of police services at the Puerto Rico Police Department so the transformation and creation of a new public safety paradigm can occur.

**Orlando Police Department (Florida) Policy #:**

This column identifies the applicable Orlando Police Department’s model policy and “best practices” that can be used as a reference for the focus area teams that develop solutions for each action item.

**Table 1:** Agreement for the Sustainable Reform of the Puerto Rico Police Department No. 3:12-cv-2039 (GAG): List of Substantive Agreement Items

Item #	Requirement/Action Item:	*	Substantive Areas:	OPD Policy #	Resource:
z	Establish Force Investigation Unit (FIU)				Pg. 23, item 48 in Agreement
aa	Establish Force Review Board (FRB)				Command Staff from varying assignments (pg. 23, item 46) in Agreement
pp	Establish Puerto Rico Department of Justice (PRDOJ)				Pg. 24, item 50 in Agreement
bbb	Establish Superintendent's Force Review Board (SFRB)				
ddd	Establish Superintendency of Professional Responsibility (SPR)				
jjj	Establish a Technical Compliance Advisor (TCA)				Pg. 72, Section XIV (A) in Agreement
	Establish Superintendent's Citizens' Interaction Committee (CIC)				Pg. 49, item 131 in Agreement
	Strengthen the Reform Unit at the PRPD				Pg. 74, item 231 in Agreement
	<b>III. Professionalism</b>				
12.	PRPD shall develop processes and mechanisms that promote professional, ethical, and respectful policing services	Org	Prof		Professionalization Substantive Area Committee (policy) and ISEP (training)
	<b>A. Staffing and Community Policing</b>				
13.	PRPD shall conduct a staffing allocation and resource study, must foster C.O.P.	Org	HR	2106.3	Recruitment, Selection, & Hiring Substantive Area Committee

	<b>B. Promotions</b>				
14.	PRPD's promotion practices shall be merit based, must comply with equal opportunity	Org	HR	1616.7	Supervision & Management Substantive Area Committee (assist with the creation of procedures for items 14–20)
15.	PRPD shall publish detailed job descriptions	Org	HR		
16.	PRPD shall have a lawful, fair, and consistent supervisor selection process	Org	HR	1616.7	
17.	Written exams required in the promotional selection process through the rank of Captain	Admin	HR		
18.	Appointments above Captain shall based on objective criteria	Org	HR		
19.	PRPD shall establish procedures that govern removal of officers for promotion for disciplinary action related to serious misconduct	Org	HR		
20.	PRPD shall establish criteria for the promotion of officers in direct supervisory roles	Org	HR		
	<b>C. Commander Corps</b>				
21.	PRPD shall provide a developmental career path for officers aspiring promotion to command ranks	Org	HR		Supervision & Management Substantive Area Committee (collaborate with PRPD to establish career paths)
	<b>IV. Use of Force: Internal Control and Accountability</b>				
22.	PRPD shall use the proper force and shall prohibit the use of unreasonable force	Org	Oper	1128.11	ISEP (Continuing Education)

	<b>A. General Use of Force</b>				
23.	PRPD shall develop a comprehensive and agency-wide use of force policy	Org	Oper	1128.11 (items 23-26)	Use of Force Substantive Area Committee and ISEP (develop policy and training, items 23-26)
24.	PRPD develop policies for the use of: lethal force, firearms, K-9's, ECW's, chemical agents, less lethal munitions, impact weapons, other force technology	Org	Oper	1128.11 & 1129.3	Use of Force Substantive Area Committee and ISEP / Valencia training agreement (training)
25.	PRPD shall prohibit the use of "CN" gas	Org	Oper		
26.	PRPD shall maintain an accurate list of officers who successfully qualify with firearms	Org	Oper		
	<b>B. Specialized Tactical Units</b>				
27.	PRPD shall develop policies on the use of force by members of special tactical units	Org	Oper	1503.2,1504.2, 1506.2 (items 27-31)	Use of Force Substantive Area Committee (develop policy for items 27-31)
28.	PRPD shall prohibit special tactical units from conducting general patrol/policing	Org	Oper		Professionalization Substantive Area Committee
29.	PRPD shall develop eligibility and selection criteria for assignment to tactical units	Org	Oper		
30.	PRPD shall require operational plans and after-action reports for law enforcement activities by the tactical units	Org	Oper		
31.	PRPD shall track the number of, and reasons for deployments of the tactical units (to include details of deployment)	Org	Oper	1103.6 & 1308.3	

	<b>C. Crowd Control and Incident Management</b>				
32.	PRPD shall develop crowd control and incident management policies	Org	Oper	1302.5 & 1119.2 (items 32-35)	Operations/Professionalization Substantive Area Committees (develop policy for items 32-35)
33.	Incident management policy shall require a ranking officer at the scene of crowd control	Org	Oper		
34.	Crowd control policy shall require the use of respectful techniques/tactics	Org	Oper		ISEP (Continuing Education)
35.	Crowd control policy shall require the assessment of law enforcement activities following an event	Org	Oper		
	<b>D. Force Reporting</b>				
36.	PRPD shall develop a Use of Force Reporting Policy and Use of Force Form	Org	Oper	1128.11 (items 36-39)	Use of Force Substantive Area Committee (develop policy for items 36-39)
37.	Policy shall require all officers to report any use of force, in writing, before end of shift	Org	Oper		
38.	Policy shall require officers to request medical services immediately when an individual is injured during use of force	Org	Oper		
39.	Policy shall require that officers submit copies of Use of Force reports to their immediate supervisor and to "SPR" (SPR maintains master copies)	Org	Oper		
	<b>E. Force Review, Investigations, and Analysis</b>				



40.	PRPD policy shall specify that the conduct of all force reviews and investigations comply with the law and best police practices	Org	IA	1128.11 & 2207.2 (items 40-42)	Use of Force & Internal Investigation Substantive Area Committees (develop policy for items 40-42)
41.	PRPD shall maintain a reliable and accurate use of force tracking system, data must be analyzed annually	Org	IA		
42.	The quality of force reviews and investigations shall be taken into account in the performance evaluations of officers performing the reviews/investigations	Org	IA		
	<b>F. Supervisory and FRB Reviews</b>				
43.	A supervisor shall respond to the scene of a serious use of force or allegation of excessive force	Org	Oper	1128.11 (items 43-47)	Use of Force & Internal Investigation Substantive Area Committees (develop policy for items 43-47), supervisor training @ ISEP
44.	A supervisor shall conduct a review of all uses of force, prisoner injuries, or allegations of excessive force, except those indicating criminal conduct by an officer (will be investigated by FIU)	Org	Oper		Supervisor training @ ISEP
45.	Supervisors shall complete use of force reviews within 5 business days (four report elements listed)	Org	Oper		Supervisor training @ ISEP
46.	A Force Review Board (FRB) shall evaluate supervisory reviews	Org	IA		
47.	When evidence of misconduct or apparent criminal conduct during a use of force is found, immediate notification to	Org	IA		

	supervisor and investigation required				
	<b>G. FIU Investigations and Force Reviews by SFRB</b>				
48.	The PRPD must ensure that all serious use of force allegations are fairly and fully investigated, must create FIU's	Org	IA		Internal Investigation Substantive Area Committee (assist with the creation of FIU's)
49.	A supervisory responding to a serious use of force scene shall immediately notify FIU, FIU will respond and investigate	Org	IA	1128.11	Internal Investigation Substantive Area Committee (develop policy for items 49 – 52)
50.	FIU will immediately notify the PRDOJ regarding any use of force that indicates criminal conduct by an officer, PRDOJ may proceed with criminal prosecution	Org	IA		
51.	The FIU shall complete its administrative use of force investigation within 45 days	Org	IA		
52.	The Superintendent's Force Review Board shall evaluate all FIU investigations	Org	IA		
	<b>H. Use of Force Training</b>				<b>Force Science Seminars @ ISEP</b>
53.	PRPD shall train all of their officers on the use of force policy, required every two years for the first four years of the agreement (nine required topics)	Org	Trng	1128.11 & 1704.4 (items 53-55)	ISEP/Valencia training agreement
54.	PRPD shall provide an appropriate firearm training program (five requirements)	Org	Trng		ISEP/Valencia training agreement
55.	PRPD shall train all supervisors, FIU members, and command officers on the use of force policy, at	Org	Trng		ISEP

	least annual (eight required topics)				
	<b>I. Responding to Behavioral/Mental Health Crisis</b>				
56.	PRPD shall develop policies and procedures to improve response to behavioral and mental health crisis, must implement CIT (three required items for CIT)	Org	Oper	1501.1 (items 56-57)	Professionalization Substantive Area Committee (develop policy for items 56 & 57)
57.	PRPD shall train field officers in CIT and ensure a CIT officer is assigned to each shift in each region	Org	Oper		
	<b>V. Searches and Seizures: Internal Controls and Accountability</b>				
58.	PRPD shall ensure that all investigatory stops, searches, and arrests are conducted in accordance with the law	Org	Oper	1102.3	Search and Seizure Substantive Area Committee (develop policy)
	<b>A. Stops, searches, and Seizures: Generally</b>				
59.	PRPD shall develop policies and procedures that comply with generally accepted police practices on stops, searches, and arrests (training, supervision, accountability)	Org	Oper	1102.3 & 2401.0	Search and Seizure Substantive Area Committee (develop policy)
	<b>B. Investigatory Stops and Searches</b>				
60.	PRPD shall develop a Investigatory Stops and Searches Reporting Policy and system to collect data of the stops and searches	Org	Oper	1102.3 (items 60-64)	Search and Seizure Substantive Area Committee (develop policy for items 60-64)
61.	The policy shall prohibit the use of “boilerplate” or	Org	Oper		

	conclusory language in reports				
62.	A supervisor shall review each report on investigatory stops and searches to determine whether it was within policy and this agreement	Org	Oper		
63.	A command-level official shall review all auditable forms related to investigatory stops and detentions	Org	Oper		
64.	The PRPD shall analyze investigatory stop and search data at least annually to identify trends	Org	Oper		
	<b>C. Arrests</b>				
65.	PRPD shall revise its policies on arrests to ensure that they comply with applicable law and comport with generally accepted policing practices	Org	Oper	1201.10 (items 65-73)	Use of Force, Professionalization, and I.A. Substantive Area Committees (develop policy for items 65-73)
66.	PRPD shall require that officers notify the communications command center and  a supervisor immediately after an arrest, or as soon as practicable. For felony arrests, or an arrest for obstructing or resisting an officer, PRPD shall require a field supervisor to respond to the scene of the incident and approve the officer's arrest determination, based on the existence of probable cause.	Org	Oper		
67.	When transporting an arrestee, officers shall take	Org	Oper		

	the safest and most direct route to the booking location. PRPD policy shall require that officers notify the communications command center of the starting and ending mileage on the transporting vehicle, as well as the gender, race, ethnicity, national origin, and apparent age of the arrestee.				
68.	PRPD precinct, station, or specialized unit, a watch commander or supervisor shall visually inspect each detainee or arrestee for injury, interview the detainee or arrestee for complaints of pain, and ensure that the detainee or arrestee receives medical attention	Org	Oper		
69.	PRPD shall require that all booking recommendations be personally reviewed and approved in writing in an auditable form by a supervisor as to appropriateness, legality, and conformance with PRPD policies within 12 hours of the arrest	Org	Oper		
70.	As part of the supervisory review, the supervisor shall document on an auditable form those arrests that are unsupported by probable cause, are in violation of PRPD policy or this Agreement	Org	Oper		
71.	A command-level officer or official shall review, in writing, all auditable forms related to arrests. The	Org	Oper		

	commander's review shall be completed within seven days of receiving the document reporting the event.				
72.	PRPD shall require officers to provide written receipts to individuals whenever property is seized from the individuals.	Org	Oper		
73.	PRPD shall develop a protocol to seek formal feedback from the prosecutor's office, the public defender's office, and Commonwealth judges on a regular basis regarding the quality of PRPD investigations, arrests, court testimony, and indicia of misconduct and to make operational and policy changes based upon this feedback.	Org	Oper		
	<b>D. Searches</b>				
74.	PRPD shall revise its policies on searches to ensure that they comply with applicable law and comport with generally accepted policing practices.	Org	Oper	1201.10 (items 74-77)	Search and Seizure Substantive Area Committee (develop policy for items 74-77)
75.	PRPD shall require that a supervisor review and approve in writing each request for a search or arrest warrant, including each affidavit or declaration before it is filed by an officer in support of a warrant application	Org	Oper		
76.	PRPD shall track each search warrant	Org	Oper	1402.3	

77.	PRPD shall require officers to obtain and document consent from an individual who consents to a voluntary search of his/her person or vehicle when the search is conducted	Org	Oper		
	<b>E. Training on Stops, Searches, and Seizures</b>				
78.	PRPD shall train all PRPD officers on PRPD's stop, search, and seizure policies. Thereafter, PRPD shall provide all PRPD officers with training at least every two years for the first four years of this Agreement, and annually thereafter (four required topics)	Org	Trng	1106.5 (items 78-79)	ISEP (Continuing Education)
79.	PRPD shall train all supervisors and command officers on PRPD's stop, search, and seizure policies. Thereafter, PRPD shall provide all supervisors and command officers with training on reviewing subordinates' stops, searches, and seizures at least annually (five required topics)	Org	Trng		ISEP(Continuing Education)
	<b>VI. Equal Protection and Non-Discrimination</b>				
80.	PRPD shall ensure that police services are delivered equitably, respectfully, and free of unlawful bias, in a manner that promotes broad community engagement and supports effective crime prevention.	Org	Oper	1102.3 & 2401.0 (items 80-92)	Professionalization Substantive Area Committee
	<b>A. General Provisions</b>				

81.	PRPD shall develop policies and procedures that comply with applicable law and comport with generally accepted policing practices on bias-free policing (training and accountability)	Org	Oper	1102.3 (items 81-91)	Professionalization Substantive Area Committee (develop policy)
82.	PRPD shall revise its complaint classification policies to effectively capture and track civilian complaints alleging discriminatory policing	Org	Oper		Professionalization and I.A. Substantive Area Committees assistance
83.	PRPD shall revise all documentation produced in relation to officer and civilian interactions (arrests, traffic stops, investigatory stops and detentions, searches, property seizures, and civilian complaints)	Org	Oper		Professionalization and I.A. Substantive Area Committees assistance
84.	PRPD shall incorporate concrete requirements regarding bias-free policing and equal protection into its hiring, promotion, and performance assessment processes	Org	Oper		Professionalization and H.R. Substantive Area Committees (develop policy for items 84-86)
85.	PRPD shall use the National Incident Based Reporting System ("NIBRS") to collect and report crime data	Org	Oper		
86.	PRPD shall collect accurate and reliable data on hate crimes on an ongoing basis and shall submit the data to the Federal Bureau of Investigation ("FBI") for analysis	Org	Oper		
	<b>B. Discriminatory Policing</b>				
87.	PRPD shall apply and administer all programs, initiatives, and activities	Org	Oper	1102.3	Professionalization and Community Engagement Substantive Area Committees



	without discriminating on the basis of race, color, ethnicity, national origin, religion, gender, disability, sexual orientation, gender identity, gender expression, or political ideology or affiliation. PRPD shall develop policies and practices to prohibit selective enforcement				(develop policy for items 87-92)
88.	PRPD shall develop policies to provide all individuals within the Commonwealth with police services in a non-discriminatory fashion in order to build and preserve trust among community members (advocates) and more effectively prevent and solve crime	Org Comm	Oper		
89.	PRPD shall develop a specific policy to guide officers' interactions with transgender or transsexual individuals	Org	Oper		
90.	PRPD shall provide all PRPD officers with training on biased-free policing at least every two years for the first four years of this Agreement, and annually thereafter (nine required items)	Org	Oper		ISEP (Continuing Education)
91.	PRPD shall assess its operational programs, initiatives, and activities at least every two years to ensure that they are applied or administered in a manner that guarantees equal protection (assessment of use of force, motor vehicle	Org	Oper		

	and pedestrian stops, arrests, and deployment of STUs)				
92.	Within five business days, PRPD shall prepare and provide to PRDOJ and the Puerto Rico Department of the Family the preliminary investigation report prepared in response to each allegation of abuse and mistreatment originating in secure juvenile correctional facilities	Org	Oper	1204.5	
	<b>C. Sexual Assault and Domestic Violence</b>				
93.	PRPD shall respond to and investigate reports of sexual assault and domestic violence professionally, effectively, and in a manner free of gender-based bias	Org	Oper	1109.12 (items 93-100)	Operations and Administration Substantive Area Committees (develop policy for items 93-100)
94.	PRPD's sexual assault policies and procedures shall provide clear and detailed guidelines for each stage of PRPD's response to a reported sexual assault (four stages listed), establish protocols	Org	Oper		
95.	PRPD shall re-assess and revise, where needed, its classification protocols for crimes involving sexual assaults (use UCR definitions)	Org	Oper		
96.	PRPD shall ensure that its Sex Crimes Investigation Unit is accessible through a hotline that is staffed 24-hours a day with trained responders	Org	Oper		
97.	PRPD shall track dispositions of sexual	Org	Oper		

	assault investigations, including arrests, whether the prosecutor charged the suspect, and whether a conviction resulted (annual report required)				
98.	PRPD's domestic violence policies and procedures shall clearly delineate the duties of all PRPD officers and staff	Org	Oper		
99.	PRPD shall implement measures to respond to reports of domestic violence and sexual assault involving PRPD officers, including disarming officers and assessing their fitness for duty	Org	Oper		
100.	PRPD shall track dispositions of domestic violence investigations, including arrests, whether the prosecutor charged the suspect, and whether a conviction resulted (annual report required)	Org	Oper		
	<b>VII. Recruitment, Selection, and Hiring</b>				
101.	PRPD shall develop a comprehensive recruitment and hiring program that successfully attracts and hires qualified individuals, PRPD shall develop a recruitment policy	Org	HR		Recruitment, Selection & Hiring Substantive Area Committee (assist PRPD, community panel suggested)
	<b>A. Recruitment Plan</b>				
102.	PRPD shall develop a recruitment plan that includes clear goals, objectives, and	Comm	HR		Recruitment, Selection & Hiring and Community Engagement Substantive Area Committee (assist PRPD,

	action steps for attracting qualified applicants from a broad cross-section of the community				community panel suggested, items 102-103)
103.	The recruitment plan shall include specific strategies for attracting a diverse pool of applicants including members of groups that have been historically underrepresented in PRPD, a “Recruitment Officer” will be responsible for the development of the plan, together with a working group that includes officers from diverse backgrounds. The working group will also consult with community stakeholders	Org Comm	HR		
	<b>B. Hiring Reforms</b>				
104.	PRPD shall develop an objective system to select recruits to enter into UCCJ	Org	HR		Substantive Area Committees (assist PRPD)
105.	PRPD shall establish and publish qualifications for sworn personnel that are consistent with generally accepted policing practice. PRPD shall continue to require a two-year post-secondary degree	Org	HR		ISEP’s Associate Degree in Penal Justice
106.	PRPD shall require all candidates for sworn personnel positions to undergo a psychological, medical, and polygraph examination to assess their fitness for employment	Org	HR		Recruitment, Selection & Hiring Substantive Area Committee (develop policy for items 106-108)
107.	PRPD shall assess and revise its policies and practices to ensure thorough, objective, and timely background investigations of	Org	HR		Professionalization Substantive Area Committee assist with this item

	<p>candidates for sworn personnel positions based on generally accepted policing practice (assessment of a candidate's credit history, criminal history, employment history, use and abuse of controlled substances, and ability to work with diverse communities and act without impermissible bias)</p>				
108.	<p>PRPD and the UCCJ shall revise and implement policies and practices related to hiring to ensure that PRPD recruits and cadets do not qualify for civil service employment protections until their aptitude and abilities are properly assessed</p>	Org	HR		
	<b>VIII. Policies and Procedures</b>				
109.	<p>Policies and procedures shall reflect and express PRPD's core values and priorities, and provide clear guidance to ensure that officers and civilian employees lawfully, effectively, and ethically serve the community</p>	Org	Admin	<p>1627.6 (items 109-115)</p>	<p>Professionalization and Policies &amp; Procedure Substantive Area Committee (policy development, items 109-116))</p>
110.	<p>PRPD shall develop and publish a department-wide policy and procedure manual</p>	Org	Admin		
111.	<p>PRPD's unit-wide policies and procedures shall be collected in unit-level policy and procedure manuals (five areas discussed)</p>	Org	Admin		
112.	<p>PRPD shall review each newly developed policy after</p>	Org	Admin		

	it is issued and revise the policy as necessary to ensure that it provides effective guidance to PRPD personnel				
113.	PRPD shall review each policy or procedure created or revised pursuant to this Agreement on an annual basis for the first three years from the Appointment Date or upon notice of a policy deficiency, and biannually thereafter. PRPD will develop a schedule for the biannual review	Org	Admin		
114.	PRPD shall ensure that all relevant PRPD personnel have received, read, and been trained on all new or amended policies or procedures (including the obligation to report any policy or procedure violation)	Org	Admin		
115.	PRPD shall document that each relevant PRPD officer or other employee has received, read, and been trained appropriately regarding PRPD's policies and procedures	Org	Admin		
116.	PRPD shall advise all officers that taking police action in violation of PRPD policy may subject officers to discipline, possible criminal prosecution, and/or civil liability	Org	Admin	1604.9	
	<b>IX. Training</b>				
117.	PRPD shall ensure that every PRPD officer and employee receives effective and comprehensive training that ensures they understand	Org	Trng	1704.4	ISEP (Continuing Education)

	<p>their responsibilities, the scope of their authority, and PRPD policy, and are able to fulfill these responsibilities and police effectively.</p> <p><b>Qualified trainers and instructors</b> shall deliver instruction through generally accepted methods and techniques that are approved by UCCJ</p>				
	<b>A. Pre-Service Education and Training</b>				
118.	<p>UCCJ shall provide pre-service education and training to candidates for sworn personnel positions in PRPD in accordance with its enabling statute and regulations. To the extent that UCCJ will confer Associate or equivalent degrees recognized by nationally or regionally accredited institutions of higher learning in the continental United States, UCCJ shall maintain its license in good standing from the Puerto Rico Council on Education and attain full accreditation from the <b>Middle States Association of Colleges and Schools</b> within two years of the decision to confer such degrees.</p>	Org	Trng	Florida CJSTC rules	ISEP
119.	<p>Once candidates meet all educational requirements and eligibility criteria, UCCJ shall establish and provide a pre-service training program for PRPD cadets consisting of at least 900 hours of instruction</p>	Org	Trng		ISEP

120.	PRPD and UCCJ shall review and revise its pre-service training curriculum to ensure quality, consistency, and compliance with applicable law, PRPD policy, and this Agreement. PRPD and UCCJ shall conduct regular subsequent reviews, at least semi-annually, and submit their findings and recommendations in written reports to the Superintendent.	Org	Trng		ISEP
121.	PRPD and UCCJ shall develop an appropriate training plan and standards including, but not limited to, establishing appropriate passing criteria, attendance, and participation requirements, and valid evaluation methods, to ensure that cadets and officers attain necessary knowledge, skills, and competencies	Org	Trng		ISEP (Continuing Education)
122.	PRPD and UCCJ shall select and train qualified officer and academic instructors and shall ensure that only mandated objectives and approved lesson plans are taught by instructors.	Org	Trng		ISEP
	<b>B. Field Training Program</b>				
123.	PRPD shall develop a field training program that consists of at least 800 hours	Org	Trng	1701.10 (items 123-128)	ISEP
124.	PRPD's policies and procedures on field training shall delineate the criteria and methodology for selecting Field Training	Org	Trng		ISEP



	Officers (“FTOs”). PRPD shall permit only qualified officers to serve as FTOs.				
125.	PRPD shall ensure that all FTOs receive training in the following areas: management and supervision; community-oriented policing; effective problem solving techniques; and field communication, among others.	Org	Trng		ISEP (Continuing Education)
126.	PRPD shall ensure that recruits in the field training program are trained in a variety of geographic areas within Puerto Rico; in a variety of shifts; and with several FTOs.	Org	Trng		Training & Education Substantive Area Committee (develop policy for items 126-128)
127.	PRPD shall develop a program to assess FTO performance using appropriate evaluation tools.	Org	Oper		
128.	PRPD shall create a mechanism for recruits to provide confidential feedback regarding the quality of their field training and their FTO	Org	Oper		
	<b>C. In-Service Training</b>				
129.	PRPD shall establish a mandatory annual in-service training program that consists of at least 40 hours	Org	Trng	1704.4 (items 129-132)	ISEP (Continuing Education), establish an in-service training program for the PRPD
130.	PRPD shall create in-service training tracks for the following groups, including, but not limited to, command staff; lieutenants and sergeants; detectives; narcotics and vice investigators; specialized	Org	Trng		ISEP (Continuing Education)

	units; and professional responsibility investigators.				
131.	PRPD shall identify critical in-service training topic areas (input from members at all levels of the Department, the Superintendent's Citizens' Interaction Committee (CIC) and members of the community)	Org Comm	Trng		ISEP (Continuing Education)
132.	PRPD shall develop a comprehensive training program to supplement the 40-hour formal in-service training that is delivered at the beginning of shifts or tours of duty for all officers	Org	Trng		ISEP (Continuing Education)
	<b>D. Training Records</b>				
133.	PRPD shall electronically maintain complete and accurate records of current curricula, lesson plans, and other training materials in a central, commonly-accessible, and organized file system	Org	Admin	1704.4 (items 133-134)	Information Systems & Technology Substantive Area Committee (develop policy for items 133-134)
134.	PRPD shall track, maintain, and report detailed, real-time training records and statistics. PRPD shall develop an electronic database to create and maintain records for each recruit and each sworn and unsworn member of the PRPD	Org	Admin		
	<b>X. Supervision and Management</b>				
135.	PRPD shall ensure that an adequate number of qualified first-line supervisors are deployed in	Org	HR		Supervision & Management Substantive Area Committee (develop policy)

	the field to allow supervisors to provide close and effective supervision to each officer under the supervisor's direct command				
	<b>A. Duties of Supervisors</b>				
136.	All operational field officers shall be assigned to a single, consistent, and clearly identified supervisor	Org	HR		Professionalization and Supervision & Management Substantive Area Committees (develop policy for items 136-140)
137.	First-line field supervisors shall be assigned to supervise no more than ten officers for the first five years of this Agreement, on-duty field supervisors shall be available throughout their shift	Org	HR		
138.	PRPD shall develop a program to ensure consistent field supervision when assigned supervisors are absent or otherwise unavailable for their tour of duty.	Org	HR		
139.	Precinct and unit commanders shall closely and effectively supervise the officers under their command.	Org	HR		
140.	All PRPD commanders and supervisors shall ensure that all supervisors and officers under their command comply with PRPD policy, the law, and this agreement	Org	HR		
	<b>B. Supervisor Training</b>				
141.	Each supervisor shall receive mandatory management, supervisory, leadership, and command	Org	Trng	1616.7	ISEP (Continuing Education)

	accountability training, tailored to each level of supervision and command, of no fewer than 40 hours in duration, prior to assuming supervisory responsibilities. Each supervisor shall receive no fewer than 40 hours of in-service training annually thereafter.				
142.	All current PRPD supervisors shall receive the supervisor training developed pursuant to this Agreement within 18 months after it is developed and first implemented.	Org	Trng		ISEP (Continuing Education)
143.	The supervisory training program shall include (nine required topics)	Org	Trng		ISEP (Continuing Education)
144.	Officers appointed to the rank of Lieutenant Colonel, Colonel, commanding officer to a PRPD superintendent or unit, and any other supervisors must receive Equal Employment Opportunity (“EEO”) training on PRPD’s policies and federal and Commonwealth anti-discrimination laws	Org	Trng		ISEP (Continuing Education)
	<b>C. Performance Evaluation</b>				
145.	PRPD shall develop and implement a specific system to accurately evaluate the qualifications and performance of all PRPD officers in areas that include, but are not limited to, constitutional policing, integrity, community policing, and critical police	Org	HR	1614.4 (items 145-146)	Administration and Human Resources Substantive Area Committees (develop policy for items 145-146)

	functions on both an ongoing and annual basis				
146.	PRPD shall establish a formalized system documenting annual performance evaluations of each officer by the officer's direct supervisor	Org	HR		
	<b>D. Early Identification System</b>				
147.	PRPD shall develop, implement, and maintain an early identification system (EIS) to support the effective supervision and management of PRPD officers and employees, including the identification of and response to problematic behaviors as early as possible	Org	IA	2207.2 (items 147-153)	I.A. Substantive Area Committees (develop policy for items 147-153)
148.	The EIS shall include a computerized relational database which shall be used to collect, maintain, integrate, and retrieve detailed data department-wide and for each officer regarding 13 dimensions	Org	IA		
149.	PRPD shall establish a unit to develop, implement, and maintain the EIS with sufficient resources to facilitate data input and provide training and assistance to EIS users.	Org	IA		
150.	PRPD shall maintain necessary equipment, in sufficient amount and in good working order	Org	IA		
151.	PRPD shall develop a protocol for using the EIS	Org	IA		

	and information obtained from it				
152.	PRPD shall maintain all personally identifiable information about officers and employees included in the EIS for at least five years following their separation from the agency	Org	IA		
153.	Following the initial implementation of the EIS, and as experience and the availability of new technology may warrant, PRPD may propose to add, subtract, or modify data tables and fields, modify the list of documents scanned or electronically attached, and add, subtract, or modify standardized reports and queries	Org	IA		
	<b>E. Internal Audits and Interagency Feedback</b>				
154.	PRPD shall establish an auditing system that identifies operational deficiencies, analyzes causal and contributing factors, and implements effective remedial action	Org	Admin	2106.3 (items 154-157)	Professionalization and Administration Substantive Area Committees (develop policy for items 154-157)
155.	PRPD shall develop a protocol for conducting operational audits related to the material terms of this Agreement. PRPD shall summarize in an annual report the conclusions and recommendations of audits conducted during the time period covered by the report	Org	Admin		
156.	PRPD auditors shall issue a report to the Superintendent on the result of each audit.	Org	Admin		

	The Superintendent will review each audit for appropriate policy, disciplinary, and/or non-punitive corrective action. The commander of each precinct or specialized unit shall review all audit reports regarding employees under their command				
157.	PRPD shall develop and implement a plan for organizing and executing regular, targeted, and random integrity audits. The integrity audits will be used to identify and investigate officers engaging in misconduct including, but not limited to, unlawful stops, searches, seizures (including false arrests), excessive uses of force, potential criminal behavior, racial or ethnic profiling, and bias against lesbian, gay, bisexual, and transgendered persons, or any other form of misconduct	Org	Admin		
158.	PRPD shall establish an executive-level liaison committee consisting of high level command officers of the PRPD who communicate, on at least a quarterly basis, with representatives of federal and local criminal justice components in all regions in Puerto Rico, including judicial courts, prosecutors, the University College, and municipal police departments. The committee shall seek mutual feedback and information on	Admin	Admin		<b>Establish the Puerto Rico Criminal Justice Standards and Training Commission</b>

	improving Puerto Rico's criminal justice system, including performance issues or concerns related to PRPD, its officers, employees, or units.				
	<b>XI. Civilian Complaints, Internal Investigations, and Discipline</b>				
159.	PRPD shall ensure that all allegations of officer misconduct are received and are fully and fairly investigated; that all investigative findings are supported by a preponderance of the evidence; and that all officers who commit misconduct are held accountable	Org	IA	1604.9 (items 159-199)	I.A. Substantive Area Committees (develop policy)
	<b>A. Civilian Complaints</b>				
160.	PRPD will develop and implement a program to inform persons that they may make complaints regarding the performance of any officer	Org	IA		I.A. Substantive Area Committees (develop policy for items 160-162)
161.	Pre-printed complaint forms shall not include any language that can be construed as discouraging civilians from submitting complaints, including warnings regarding potential criminal prosecution for false or untrue complaints. PRPD shall require all officers to carry complaint forms	Org	IA		
162.	PRPD shall make complaint forms and informational materials, including brochures and posters,	Org	IA		



	available at all police facilities and on the PRPD website				
	<b>B. Internal Investigations</b>				
163.	PRPD shall require that all officers and employees report misconduct, including apparent, alleged, or perceived misconduct, by another PRPD officer or employee to a supervisor or directly to SPR for review and investigation	Org	IA		I.A. Substantive Area Committees (develop policy for items 163-165)
164.	PRPD shall develop protocols requiring supervisors to investigate and take appropriate disciplinary or non-punitive corrective action when the supervisor becomes aware of minor misconduct or policy infractions by an officer that do not merit an SPR notification	Org	IA		
165.	The results of unit investigations, be they minor misconduct allegations, policy infractions, or SPR referrals, shall each be referred to and evaluated by unit commanders for underlying problems including supervisory, training, or other deficiencies	Org	IA		
	<b>C. Complaint Intake, Classification, Assignment, and Tracking</b>				
166.	PRPD shall train all officers in how to properly handle complaint intake	Org	IA		I.A. Substantive Area Committees (develop policy for items 166-176)
167.	The refusal to accept a misconduct complaint,	Org	IA		

	discouraging the filing of a misconduct complaint, or providing false or misleading information about filing a misconduct complaint, shall be grounds for discipline				
168.	PRPD shall accept all misconduct complaints, including anonymous and third party complaints, for review and investigation. Complaints may be made in writing or verbally, in person or by mail, telephone (or TDD), facsimile, electronic mail, or any other appropriate electronic means	Org	IA		
169.	PRPD will establish a protocol that provides procedures to be followed when an individual objects to an officer's conduct.	Org	IA		
170.	PRPD shall develop a system to ensure that allegations of officer misconduct made during criminal prosecutions or civil lawsuits are identified and assessed for further investigation	Org	IA		
171.	SPR shall maintain a centralized numbering and tracking system for all misconduct complaints	Org	IA		
172.	Where a supervisor receives a misconduct complaint in the field alleging that misconduct has occurred, the supervisor shall gather all relevant information and evidence and provide these to SPR. All complaints	Org	IA		

	should be referred to SPR by the end of tour of duty				
173.	Within five business days of the receipt of a misconduct complaint, SPR shall determine whether the complaint will be assigned to a supervisor for a Supervisory Investigation, retained by SPR for investigation, and whether it will be investigated criminally	Org	IA		
174.	PRPD shall develop a complaint classification protocol that is allegation-based rather than outcome-based to guide SPR in determining where a complaint should be assigned	Org	IA		
175.	A misconduct complaint investigation may not be conducted by any supervisor who used force during the incident; whose conduct led to the injury to a person; who authorized the conduct that led to the reported incident or complaint; who was on the scene at the time of the incident leading to the allegation of misconduct; or by any officer or supervisor who has a conflict of interest	Org	IA		
176.	PRPD's centralized numbering and tracking system shall maintain accurate and reliable data	Org	IA		
	<b>D. Investigations of Complaints</b>				
177.	PRPD shall ensure that policies and procedures regarding the investigation of complaints clearly	Org	IA		I.A. Substantive Area Committees (develop policy for items 177-193)

	establish that complaints are adjudicated on the basis of the preponderance of the evidence				
178.	PRPD shall investigate all misconduct complaints and document the investigation and its findings and conclusions in writing	Org	IA		
179.	PRPD shall ensure that all administrative investigations conducted by SPR shall be completed within 90 days of the receipt of the complaint, including assignment, investigation, review, and final approval	Org	IA		
180.	PRPD shall ensure that investigations of officer misconduct are thorough and the findings are consistent with the facts	Org	IA		
181.	PRPD shall require officers to cooperate with administrative investigations, including appearing for an interview when requested by a PRPD or Commonwealth investigator and providing all requested documents and evidence	Org	IA		
182.	The subject officer of an administrative investigation shall not be compelled to provide a statement to administrative investigators where there is a potential criminal investigation or prosecution of the officer until ...	Org	IA		
183.	Where there is no potential criminal investigation or prosecution of the subject	Org	IA		

	officer, SPR investigators shall not warn the subject officer that he or she has a right not to provide a statement that may be self-incriminating				
184.	<p>If at any time during complaint intake or investigation the investigator determines</p> <p>that there may have been criminal conduct on the part of any officer or employee, the investigator shall immediately notify the SPR commander. The SPR commander shall immediately notify the Superintendent and shall consult with the prosecutor's office regarding the initiation of a criminal investigation</p>	Org	IA		
185.	PRPD, PRDOJ, and the prosecutor's office shall develop protocols to ensure that the criminal and administrative investigations are kept appropriately separate after a subject officer has provided a compelled statement	Org	IA		
186.	In each investigation, PRPD shall consider all relevant evidence, including circumstantial, direct, and physical evidence	Org	IA		
187.	A misconduct investigation shall not be closed simply because the complaint is withdrawn or the alleged victim is unwilling or unable to provide additional information beyond the	Org	IA		

	initial complaint, or because the complainant pled guilty or was found guilty of an offense				
188.	The misconduct investigator shall explicitly identify and recommend one of the following dispositions for each allegation of misconduct in an administrative investigation: Unfounded, Sustained, Not Sustained, Exonerated	Org	IA		
189.	The unit commander of the investigating supervisor shall review the supervisor's recommended disposition and accept, reject, or modify it. The unit commander shall document rejected or modified recommendations from supervisors in writing	Org	IA		
190.	The SPR commander shall review the investigator's recommended disposition and accept, reject, or modify it. The SPR commander shall document rejected or modified recommendations from investigators in writing	Org	IA		
191.	In addition to determining whether the officer committed the alleged misconduct, administrative investigations shall assess and document whether: four items listed	Org	IA		
192.	Each misconduct complainant will be notified in writing regarding the initiation of an investigation, the final disposition of the investigation, any disciplinary or non-punitive	Org	IA		

	action taken, and the right to seek further review of the final disposition under applicable law				
193.	SPR shall retain all misconduct investigation records for at least five years after the officer's separation from the agency	Org	IA		
	<b>E. Staffing, Selection, and Training Requirements</b>				
194.	PRPD shall ensure that a sufficient number of well-trained staff are assigned and available to thoroughly complete and review misconduct investigations in a timely manner, PRPD further shall ensure it provides sufficient resources and equipment to conduct adequate criminal and administrative misconduct investigations	Org	IA		I.A. Substantive Area Committees (develop policy for items 194-196)
195.	PRPD shall establish a term of duty of up to three years for SPR officers and supervisors who conduct investigations and may reappoint an officer to successive terms of duty	Org	IA		
196.	All SPR personnel conducting officer misconduct investigations shall receive at least 40 hours of initial training in conducting officer misconduct investigations and shall receive additional in-service training each year	Org	Trng		ISEP (Continuing Education)
	<b>F. Preventing Retaliation</b>				

197.	PRPD policy shall expressly prohibit all forms of retaliation, whether subtle or direct	Org	Admin	1608.0	Professionalization and I.A. Substantive Area Committees (develop policy)
	<b>G. Discipline</b>				
198.	PRPD shall ensure that discipline for sustained allegations of misconduct is fair and consistent	Org	IA		I.A. Substantive Area Committees (develop policy for items 198-200)
199.	PRPD shall establish a disciplinary matrix for reviewing sustained findings and assessing the appropriate level of discipline	Org	IA		
200.	PRPD shall review its drug testing program on an ongoing basis to ensure that pre-service testing for new officers and random testing for existing officers is reliable and valid, the program shall be designed to detect use of banned or illegal substances, including steroids	Org	Admin HR	1605.3	
	<b>H. Officer Assistance and Support</b>				
201.	PRPD shall provide officers and employees with a range of non-punitive supports and services to address and correct problem behavior, as part of PRPD's disciplinary and performance improvement systems	Org	HR	2202.3 (items 201-204)	Human Resources Substantive Area Committee (develop policy for items 201-204)
202.	PRPD shall train management and supervisory personnel in officer support services protocols to ensure wide availability and use of officer support services	Org	Trng		ISEP (Continuing Education)



203.	PRPD shall involve mental health professionals in developing and providing in-service training on mental health stressors related to law enforcement and the mental health services available to officers and their families	Org	HR		Employee Assistance Program (EAP)
204.	PRPD shall ensure that any mental health counseling services provided to PRPD employees remain confidential	Org	HR		
	<b>XII. Community Engagement and Public Activities</b>				
205.	PRPD shall create robust community relationships and engage constructively with the community to ensure collaborative problem-solving, ethical and bias-free policing, and more effective crime prevention, PRPD shall engage the public in the reform process through the dissemination of public information on a regular basis	Comm	Comm Engage		Community Engagement Substantive Area Committee (community task force)
	<b>A. Community Oriented Policing</b>				
206.	PRPD shall reassess its staffing allocation and personnel deployment to ensure that they support community policing and problem-solving goals. PRPD shall employ a Scanning, Analysis, Response, and Assessment (SARA) model	Org Comm	Comm Engage		Community Engagement Substantive Area Committee (assist PRPD, items 206-208)

207.	PRPD shall continue to conduct outreach to a broad cross-section of community stakeholders to establish extensive problem-solving partnerships and develop cooperative strategies that build mutual respect and trusting relationships	Org Comm	Comm Engage		Community task force, establish a Crime Line Program
208.	PRPD shall develop and implement mechanisms to measure its community partnerships and problem-solving strategies and assess their effectiveness	Org Comm	Comm Engage		
	<b>B. Community Interaction Councils</b>				
209.	PRPD shall continue to maintain Community Interaction Councils (CICs) jointly with community representatives to facilitate regular communication and cooperation between PRPD and community leaders at the local level. CICs shall meet, at a minimum, every three months	Org Comm	Comm Engage		Community Engagement Substantive Area Committee (community task force for items 209-213)
210.	In conjunction with community representatives, PRPD shall develop a mechanism to select the members of CICs, which shall include a representative cross section of community members and PRPD officers	Org Comm	Comm Engage		
211.	PRPD shall allocate sufficient resources and authority to ensure that CICs possess  the means, staffing, access, training, and mandate necessary to fulfill their mission and the	Org	HR		

	requirements of this Agreement				
212.	PRPD shall work closely with CICs to develop a comprehensive community policing approach that collaboratively identifies and implements strategies to address crime and safety issues. PRPD shall seek CIC assistance, counsel, recommendations, or participation in several areas	Org Comm	Comm Engage		
213.	CICs shall memorialize their recommendations in an annual public report that shall be available in PRPD facilities and on the official web pages of the Commonwealth of Puerto Rico and PRPD	Org Comm	Comm Engage		
	<b>C. Public Information</b>				
214.	PRPD shall develop a Community Outreach and Public Information program in each of the former thirteen police regions or in other operational subdivisions with comparable geographic coverage	Org Comm	Comm Engage		Public Information Substantive Area Committee (community task force and develop policy for items 214-217)
215.	The Community Outreach and Public Information program shall require at least bi-annual open meetings for the first two years of this Agreement	Org Comm	Comm Engage		
216.	The Community Outreach and Public Information meetings shall, with appropriate safeguards to protect sensitive information	Org Comm	Comm Engage	2302.5 & 2304.1	

217.	PRPD shall maintain and publicly disseminate accurate and updated crime statistics, including those related to hate crimes, on a monthly basis	Org	Comm Engage		
	<b>XIII. Information Systems and Technology</b>				
218.	PRPD shall establish information systems and utilize technology to support the implementation of this Agreement in an efficient and effective manner.	Org	Admin		Information Systems & Technology Substantive Area Committee (develop policy for items 218-224)
219.	PRPD shall collect and maintain all data and records necessary	Org	Admin		
220.	PRPD shall develop protocols for collecting, analyzing, and reporting the information required by this Agreement	Org	Admin		
221.	PRPD shall develop and maintain an automated record management system and electronic files as part of the Action Plans developed for each subsection above	Org	Admin		
222.	PRPD shall provide each supervisor with handheld recording devices and require that supervisors use these devices to record complainant and witness statements taken as part of use of force or misconduct complaint investigations	Org	Admin		
223.	All officers shall have access to National Crime Information Center (NCIC) data for valid law enforcement purposes only. PRPD shall develop a	Org	Admin		

	protocol for the handling and use of NCIC data				
224.	Nothing in this Agreement shall be construed as prohibiting PRPD from contracting services related to technology and data collection, entry, and analysis	Org	Admin		
	<b>XIV. Implementation, Compliance, Assessment, and Enforcement</b>				
	<b>A. Technical Compliance Advisor</b>				
225.	The Parties shall select a Technical Compliance Advisor (“TCA”) to assess and report whether the provisions of this Agreement have been implemented	Admin	Admin		Professionalization and Administration Substantive Area Committees should work closely with the TCA (items 225-230)
226.	The TCA shall only have the duties, responsibilities, and authority conferred by this Agreement	Admin	Admin		
227.	The TCA shall conduct the reviews specified in this Agreement; shall review PRPD policies, training material, protocols, and programs developed and implemented pursuant to this Agreement; and conduct such additional audits, reviews, and assessments as the TCA or the Parties deem appropriate, or the Court	Admin	Admin		
228.	The TCA shall ensure that the TCA has sufficient language proficiency to engage critically in Spanish, both orally and with Spanish-language	Admin	Admin		

	documents without requiring translation of the conversation or the document				
	<b>B. Review and Implementation of Policies, Procedures, and Programs</b>				
229.	PRPD shall submit all new and revised policies, procedures, action plans, programs, protocols, forms, systems, and mechanisms required by this Agreement to the TCA and DOJ for review and comment, DOJ shall have 15 days to complete its review and submit comments	Org	Admin		Administration Substantive Area Committee (items 229-230)
230.	PRPD shall have 15 days to resolve any objections to the new or revised policies, procedures, plans, programs, protocols, systems, or mechanisms implementing the specified provisions	Admin	Admin		
	<b>C. Development, Implementation, and Assessment of Action Plans</b>				
231.	PRPD shall hire and retain qualified employees, or reassign qualified current PRPD employees, to strengthen PRPD's Reform Unit, which shall be an interdisciplinary and multi-rank unit with the skills and abilities necessary to plan for and facilitate implementation of this Agreement. The Reform Unit shall serve as the source of reform within PRPD	Org	HR		Administration Substantive Area Committee (assist PRPD with items 231-240)

232.	At a minimum, the Reform Unit will coordinate PRPD's compliance and implementation activities; facilitate the provision of data, documents, materials, and access to Commonwealth of Puerto Rico and PRPD officials or employees to the TCA, CICs, and DOJ	Org	Admin		
233.	The Reform Unit shall include at least one PRPD supervisor who reports directly to the Superintendent, PRPD shall inform the TCA and DOJ of any changes to Reform Unit staff, including suspensions, reassignments, and dismissals of personnel, the Superintendent may designate PRPD personnel, including members of the Reform Unit, and external resources	Org	Admin		
234.	PRPD, with assistance from the Reform Unit, shall be responsible for drafting Action Plans that shall set forth the detailed steps PRPD will take to implement and achieve compliance with each of the Agreement's	Org	Admin		
235.	The Action Plans shall include reasonable and achievable timeframes for completing and implementing each detailed step	Org	Admin		
236.	Within 15 days of submission by PRPD, the TCA and DOJ will review the Action Plans to ensure	Admin	Admin		

	that they specify actions necessary to comply with all applicable substantive provisions of the Agreement, and that timelines, implementation plans and budgetary allocations and funding sources are reasonable, achievable, and prioritized to promote efficiency. DOJ shall have 15 days to complete its review and submit comments				
237.	PRPD shall submit its Action Plans to the TCA and DOJ for review and approval on a rolling basis and shall cover, at a minimum, the four years of the Agreement from the Appointment Date. PRPD shall submit the first set of Action Plans no later than 90 days from the Appointment Date or 60 days after the Commonwealth's FY2013-14 budget is enacted	Org	Admin		
238.	Once the Action Plans are approved, the Parties will submit them to the Court as addendums to this Agreement. Upon submission to the Court, the Parties shall treat the Action Plans as fully incorporated, enforceable terms in this Agreement	Admin	Admin		
239.	Should PRPD need to modify any of the time frames set forth in the Action Plans, PRPD shall explain to the TCA, in	Admin	Admin		



	writing, why such modification is necessary				
240.	During the first four years from the Appointment Date, the TCA shall evaluate PRPD's compliance with this Agreement by assessing PRPD's progress against its Action Plans	Admin	Admin		
	<b>D. Comprehensive Surveys and Compliance Reviews</b>				
241.	In order to assess PRPD's overall compliance with and the effectiveness of this Agreement, the TCA shall conduct a reliable, comprehensive survey of members of the Puerto Rico community regarding their experiences with and perceptions of PRPD once during the first three years of this Agreement and annually thereafter	Admin	Admin		Professionalization and Administration Substantive Area Committees (assist PRPD with items 241-242)
242.	Four years after the Appointment Date and in accordance with the provisions of the approved Action Plans, the TCA shall begin to regularly conduct compliance reviews to assess PRPD's compliance with each of the Agreement provisions in Sections III through XIII	Admin	Admin		
	<b>E. Outcome Assessments</b>				
243.	TCA shall conduct qualitative and quantitative outcome assessments to measure whether the implementation of this Agreement has resulted in	Admin	Admin		Administration Substantive Area Committee (assist TCA with items 243-244)

	constitutional policing in four areas				
244.	These outcome assessments shall include collection of data relevant to and analysis of the outcome measures set out in the above sections, including an analysis of patterns and trends	Admin	Admin		
	<b>F. Compliance Assessment Review and Methodology</b>				
245.	Within 90 days of assuming duties as the TCA, the TCA shall develop a plan for conducting the above compliance reviews and outcome assessments	Admin	Admin		Professionalization and Administration Substantive Area Committees (if needed, assist TCA with items 245-279)
246.	Within 120 days of assuming duties as TCA, the TCA shall review and recommend any changes to the outcome measures detailed in Section XIV.E	Admin	Admin		
247.	TCA may refrain from conducting a compliance review of a requirement previously found to be in compliance by the TCA pursuant to review, or where an outcome assessment indicates that the outcome intended by the requirement has been achieved.	Admin	Admin		
248.	At least 90 days prior to the initiation of any outcome assessment or compliance review, the TCA shall submit a proposed methodology for the review or assessment to the Parties	Admin	Admin		
	<b>G. Comprehensive Assessment</b>				

249.	Six years after the Appointment Date, the TCA shall conduct a comprehensive outcome assessment and review of requirements to determine whether and to what extent the outcomes intended by this Agreement have been achieved, and whether any modifications to the Agreement are necessary	Admin	Admin		
	<b>H. TCA Reports</b>				
250.	During the first four years from the Appointment Date, the TCA shall file with the Court, every six months, written, public reports that includes five items	Admin	Admin		
251.	Fifty-four months after the Appointment Date and in accordance with the provisions of the approved Action Plans, the TCA shall file with the Court, every six months, written, public reports that includes seven items	Admin	Admin		
252.	The TCA shall provide a copy of the six-month reports to the Parties in draft form within 15 days after the end of the reporting period	Admin	Admin		
	<b>I. Communication Between the TCA and Parties</b>				
253.	TCA shall maintain regular contact with the Parties in order to ensure effective and timely communication regarding the status of implementation of and	Admin	Admin		

	compliance with this Agreement				
254.	TCA shall meet, as he or she in good faith deems necessary, with community stakeholders	Admin Comm	Comm Engage		
	<b>J. TCA Recommendations and Technical Assistance</b>				
255.	In addition to recommendations set out in the TCA's six-month reports, at the request of DOJ or PRPD, based on the TCA's reviews, the TCA may make recommendations to the Parties regarding measures necessary to ensure timely, full, and effective implementation of this Agreement	Admin	Admin		
	<b>K. Public Statements, Testimony, Records, and Conflicts of Interest</b>				
256.	Neither the TCA, including, for the purposes of this paragraph, any agent, employee, or independent contractor thereof, shall make any public statements, outside of unsealed documents filed with the Court, or issue findings with regard to any act or omission of the Commonwealth of Puerto Rico, or its agencies, departments, officials or employees; or disclose non-public information provided to the TCA pursuant to the Agreement	Admin	Admin		

257.	TCA and/or any agent, employee, or independent contractor of the TCA, may testify as to their observations, findings, and recommendations before the Court with jurisdiction over this matter	Admin	Admin		
258.	TCA shall not accept employment or provide consulting services that would present a conflict of interest with the TCA's responsibilities under this Agreement	Admin	Admin		
259.	The TCA is not a state or local agency, or an agent thereof, and accordingly the records maintained by the TCA shall not be deemed public records subject to public inspection	Admin	Admin		
260.	The TCA shall not be liable for any claim, lawsuit, or demand arising out of the TCA's performance pursuant to this Agreement	Admin	Admin		
	<b>L. PRPD's Report and Self-Assessments</b>				
261.	Beginning with the TCA's first six-month report, PRPD shall file with the Court sealed and unsealed versions of a status report, with a copy to the TCA and DOJ, no later than 15 days before the end of the period under review	Admin	Admin		
	<b>M. Access and Confidentiality</b>				
262.	TCA may conduct on-site visits and assessments without prior notice to PRPD and UCCJ, shall have	Admin	Admin		

	access to all necessary individuals, facilities, and documents				
263.	PRPD shall ensure that the TCA shall have full and direct access to all PRPD and UCCJ staff, employees, and facilities	Admin	Admin		
264.	PRPD and UCCJ shall ensure that the TCA has full and direct access to all PRPD and UCCJ's documents and data	Admin	Admin		
265.	DOJ and its consultative experts and agents shall have full and direct access to all PRPD and UCCJ's staff, employees, facilities, documents, and data	Admin	Admin		
266.	PRPD and UCCJ shall facilitate access by the TCA and DOJ to other documents and data of the Commonwealth of Puerto Rico and its agencies	Admin	Admin		
267.	TCA and DOJ shall provide PRPD and UCCJ with reasonable notice of a request for copies of documents	Admin	Admin		
268.	The TCA shall have reasonable access to all documents in criminal investigation files that have been closed by PRPD and PRDOJ, consistent with applicable law. PRPD shall facilitate this access	Admin	Admin		
269.	TCA and DOJ shall maintain confidential all non-public information provided by PRPD, UCCJ, or any other agency of the	Admin	Admin		

	Commonwealth of Puerto Rico				
270.	PRPD and UCCJ shall ensure that all personally-identifiable information collected and maintained as part of this Agreement is adequately protected from disclosure	Admin	Admin		
	<b>N. Selection and Compensation of the TCA</b>				
271.	Within 60 days from the Effective Date, the Parties shall together select an independent TCA, acceptable to both	Admin	Admin		
272.	If the Parties are unable to agree on a TCA or an alternative method of selection within 60 days of the Effective Date	Admin	Admin		
273.	PRPD shall bear all reasonable fees and costs of the TCA	Admin	Admin		
274.	PRPD shall provide the TCA with permanent office space and reasonable office support	Admin	Admin		
275.	TCA will hire or employ or contract with such additional persons or entities as are reasonably necessary to perform the tasks assigned to the TCA	Admin	Admin		
276.	A hiree, including the TCA, shall not be retained unless he or she has entered into an agreement with the Parties	Admin	Admin		
277.	If the Parties agree to the TCA's proposal, the TCA shall be authorized to hire or	Admin	Admin		

	employ such additional persons or entities. PRPD and DOJ have ten business days to disagree with the proposal in writing				
278.	TCA technical assistance clause	Admin	Admin		
279.	TCA - exceeding authority clause	Admin	Admin		
	<b>O. General Provisions</b>				
280.	This Agreement is effectuated pursuant to the authority granted to DOJ under Section 14141	Admin	Admin		
281.	Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1345. Venue is proper in the District of Puerto Rico pursuant to 28 U.S.C. § 1391, because Defendants are located in and the claims arose in the District of Puerto Rico	Admin	Admin		
282.	The Parties enter into this Agreement jointly for the purpose of avoiding the burdens of litigation and to support vigorous and constitutional law enforcement	Admin	Admin		
283.	The Parties agree that they are not required to preserve information and materials	Admin	Admin		
284.	This Agreement shall not and is not intended to compromise the lawful authority of PRPD officers	Admin	Admin		
285.	This Agreement shall constitute the entire	Admin	Admin		



	integrated agreement of the Parties				
286.	This Agreement is binding on all Parties hereto, by and through their officials, agents, employees, and successors	Admin	Admin		
287.	This Agreement is enforceable only by the Parties	Admin	Admin		
288.	This Agreement is not intended to impair or expand the right of any person or entity to seek relief against the Commonwealth of Puerto Rico, or any officer or employee thereof, for their conduct or the conduct of PRPD officers	Admin	Admin		
289.	The Commonwealth of Puerto Rico is responsible for providing or obtaining necessary support and resources to enable PRPD and UCCJ to fulfill their obligations under this Agreement	Admin	Admin		
290.	The Commonwealth of Puerto Rico, by and through its officials, agents, employees, and successors, pledges to uphold its citizens' rights, privileges, or immunities secured or protected by the laws of the United States	Admin	Admin		
291.	This Agreement may not be used as an acknowledgement, agreement, admission, or statement by the Commonwealth of Puerto Rico, PRPD, or any of their	Admin	Admin		

	respective officers or employees, that they have engaged in any unconstitutional, illegal, or otherwise improper conduct				
	<b>P. Court Jurisdiction, Modification of the Agreement, and Enforcement</b>				
292.	The Parties shall ask the Court to approve this Agreement and enter an Order of Dismissal pursuant to Fed. R. Civ. P. 41(a)(2)	Admin	Admin		
293.	PRPD shall implement the provisions of this Agreement in accordance with the Action Plans developed in consultation with the TCA and incorporated into this Agreement by reference	Org	Admin		
294.	Court shall retain jurisdiction to enforce this Agreement until such time as the Commonwealth of Puerto Rico and PRPD have achieved full and effective compliance with this Agreement and maintained such compliance for no less than two consecutive years	Admin	Admin		
295.	United States reserves its right to seek enforcement of the provisions of this Agreement if it determines that PRPD has failed to comply fully with any provision of this Agreement	Admin	Admin		
296.	Puerto Rico and DOJ may jointly stipulate to make changes, modifications, and	Admin	Admin		

	amendments to this Agreement,				
297.	Parties shall notify each other of any court or administrative challenge to this Agreement	Admin	Admin		
298.	Collective bargaining clause	Admin	Admin		
299.	The Commonwealth of Puerto Rico and PRPD shall require compliance with this Agreement by all of its agencies, departments, officials, employees, and their respective assigns and successors	Admin	Admin		
	<b>Q. Termination of the Agreement</b>				
300.	Ten years after the Effective Date, either Party may seek to terminate this Agreement	Admin	Admin		
301.	Full and effective compliance shall be defined to require sustained compliance with all requirements of this Agreement, or sustained and continuing improvement in constitutional policing, as demonstrated pursuant to the Agreement's outcome measures	Admin	Admin		

## CONCLUSION

As the Honorable court can readily see, SUAGM is ready, willing and able to initiate an Academy Class by February 1, 2019. As the Honorable Court can also corroborate, there is a plethora of items in the Agreement that have direct relationship with SUAGM's Proposal. SUAGM believes it has a sound and thorough Proposal, and it is ready to engage in the execution of the Proposal with the Commonwealth of Puerto Rico. SUAGM hereby respectfully requests the Honorable Court to take notice of the above stated, and to accept the following *Amicus Curiae* memorandum.

**I HEREBY CERTIFY** that on this same date, we electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsel of record.

In San Juan, Puerto Rico, this 28<sup>th</sup> day of November, 2018.

/S MIGUEL J. ORTEGA NÚÑEZ  
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